

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EARLIE GEORGE BILLUPS, JR.,)

Petitioner,)

vs.)

Case Number: CV 08-S-980-S

SHERIFF MIKE HALE,)

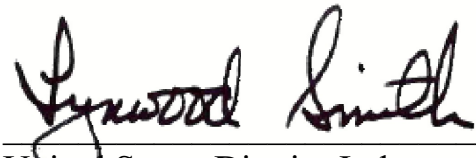
Respondent.)

MEMORANDUM OPINION

This case is before the court on the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The magistrate judge entered a report and recommendation recommending that the respondents' motion for summary judgment be granted and the action dismissed. Objections have been filed.

The court has considered the entire file in this action, including the report and recommendation and the petitioner's objections to the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved. Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

DONE this 31st day of October, 2008.

A handwritten signature in black ink, reading "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

United States District Judge